



USAID
FROM THE AMERICAN PEOPLE

IMPROVED COURT PERFORMANCE PROJECT IN ALBANIA

QUARTERLY REPORT JULY 1, 2016–SEPTEMBER 30, 2016

QUARTERLY REPORT FOR JULY 1 TO SEPTEMBER 30, 2016

This publication was produced for review by the United States Agency for International Development by the East-West Management Institute, Inc.

IMPROVED COURT PERFORMANCE PROJECT IN ALBANIA

QUARTERLY REPORT

JULY 1, 2016 – SEPTEMBER 30, 2016

Prepared under the USAID's Improved Court Performance Project in Albania, Contract Number AID-OAA-I-13-0035 / AID-182-TO-16-00001

Submitted to:

USAID/Albania on October 14, 2016

Contractor:

East-West Management Institute, Inc.

Disclaimer

This work plan is made possible by the support of the American People through the United States Agency for International Development (USAID). The contents of this report are the sole responsibility of the East-West Management Institute and do not necessarily reflect the views of USAID or the United States Government.

TABLE OF CONTENTS

TABLE OF CONTENTS	i
TABLE OF ACRONYMS.....	2
INTRODUCTION.....	3
COMPONENT 1: STREAMLINED, EXPEDITIOUS & TRANSPARENT COURT PROCEEDINGS	4
COMPONENT 2: PUBLIC DEMAND/PRESSURE FOR IMPROVED JUSTICE DELIVERY.....	11
COMPONENT 3: INVESTIGATIVE JOURNALISM.....	18
ANNEX A: SUMMARY FINDINGS – JWD PILOT COURTS STATUS REPORTS.....	22

TABLE OF ACRONYMS

ADRF	Albanian Disability Rights Foundation
AHC	Albanian Helsinki Committee
AIS	Albanian Institute of Sciences
AJJ	Association of Journalists for Justice
ALTRI	Albanian Legal and Territorial Research Institute
AmCham	American Chamber of Commerce in Albania
ANTTARC	Albanian National Training & Technical Assistance Resource Center
AWEN	Albanian Women Empowerment Network
CEFJSAJA	Civic Engagement for a Functional Judiciary System & Access to Justice in Albania
CEPEJ	European Commission for the Efficiency of Justice
CFEI	Call for Expressions of Interest
CILSP	Center for Integrated Legal Services Providers
CoE	Council of Europe
COP	Chief of Party
CSO	Civil Society Organization
DAR	Digital Audio Recording
DARCRA	Digital Audio Recording Central Records Archive
DCoP	Deputy Chief of Party
EC	European Commission
EU	European Union
EWMI	East-West Management Institute, Inc.
FAA	Fixed Amount Award
GUC	Grants under Contract
HCI	High Council of Justice
IMA	Investigative Media Advisor
IREX	International Research and Exchanges Board
IT	Information Technology
JuST	Albanian Justice Sector Strengthening Project
JWD	Justice without Delay Initiative
MCAT	Media Content Analysis Tool
MOJ	Ministry of Justice
NCATS	National Coalition of Anti-Trafficking Shelters in Albania
NGO	Non-Governmental Organization
OAJB	Office for Administration of the Judicial Budget
OCP	Open Call for Proposals
OCSAT	Organizational Capacity Self-Assessment Tool
OSCE	Organization for Security and Cooperation in Europe
PAKS+	Program for Administration and Calendaring Sessions
PIO	Public Information Office(r)
PMP	Performance Monitoring Plan
RFA	Request for Applications
SOM	School of Magistrates
STC	Save the Children
TLAS	Tirana Legal Aid Society
USAID	United States Agency for International Development
WDN	Woman for Democracy Network

INTRODUCTION

The East-West Management Institute, Inc. (EWMI) is pleased to submit its second quarterly report covering activities for the Improved Court Performance “Justice for All” Project (hereinafter referred to as “the Project”). The following deliverables were completed during the quarter:

- ✓ Year 2 Work plan completed and submitted;
- ✓ PMP submitted, reviewed, and revised;
- ✓ Coalition – Justice for All established
- ✓ JWD launched in two courts: Lezha and Shkodër District Courts
- ✓ Rapid Stock taking complete in JWD Pilot Courts
- ✓ Justice without Delay Roll-out Packet Completed

Details concerning these activities are provided below, tracking the project components and expected results.

COMPONENT 1: STREAMLINED, EXPEDITIOUS AND TRANSPARENT COURT PROCEEDINGS

EXPECTED RESULT 1.1: Courts perform their functions more efficiently, avoiding unproductive hearings and unnecessary delays.

Rapid Stocktaking Assessment of Past JWD Courts

This activity, which began in quarter one, was completed this quarter. As noted in the Quarter One report, the Project, in coordination with our partner OSCE, used the Justice without Delay (JWD) team of data collectors to gather the data needed for implementation status reports to be developed in each of the four JWD pilot courts (Kruja, Korça, Tropoja and Puka).

The data collection honored the methodology of the original assessments, but also included an enhanced methodology to better define the number of cases selected for the random case sample based on the courts' workload. This enabled the Project to determine to what extent the JWD initiative has been maintained, level of success, challenges faced, and the response to those challenges. The reports also documented lessons learned and gathered information needed for expansion of the program. The Project determined as a result that targeted assistance is needed to reinforce the program in Puka District Court, and that the other three pilot courts have maintained the program well within the definition of acceptable levels of performance. The Kruja District Court faced several challenges since the time of implementation, including the long term absence of the Chief Judge, but continues to maintain most of the program concepts and to adhere to the measures adopted in the original implementation. The court, however, has shown a rise in the number of unproductive civil hearings along with a rise in both the number of hearings and length of proceedings in criminal cases. The Project will work with the court to further examine these results and determine how it can address them.

The Assessment Reports were completed in September, and in October copies will be distributed to each of the four courts and review meetings scheduled. As noted above, further work needs to be conducted in Puka District Court where new judges and a new Chief Judge have been recently been appointed. The Project will continue to monitor these courts in line with the monitoring and elevation provided to the courts implementing with Project assistance and will dedicate special attention where and as needed. The summary findings for the four pilot courts are attached hereto as Annex A.

Automatization of the data collection related to JWD Initiative

Work to improve and automate the collection of the data on length of proceedings and productivity began and will continue into the next quarter. Two short term experts (one reporting expert and an IT specialist with broad knowledge of the ICMIS system and PAKS+) have been hired and are working closely with the Project and OSCE to design and implement a more structured and user friendly data collection process. Within the next quarter the project will test and deploy an automated system within PAKS+ that will:

- ✓ Produce the random sample of cases for the JWD baseline and implementation status reports;
- ✓ Reduce by at least half the data that must be collected manually;
- ✓ Reduce the time needed to collect and analyze JWD data; and
- ✓ Produce reports that define the average length of the proceedings (in days and sessions) in civil and criminal cases and from which can be extracted all, or only some, court cases in any period of time and/or for all or individual judges in a court.

Implementation of Justice without Delays in Additional Courts

As noted in prior reports, the Durrës District Court has struggled with the implementation of the initial JWD program steps, but will, as of October 3, 2016, fully implement their action plan with the support of two court clerks who will remain in the court through the end of March 2017. Of note in this court is that the Chief Judge has recently come under significant public scrutiny regarding a particular case that has been a distraction within the Court. Some concern has been raised that the program implementation might be adversely affected by the current situation, but the Chief Judge remains committed to the initiative, the measures adopted by the court, and the work of the JWD Court Clerks. The project will continue to monitor this court with site visits and routine reporting from the Court Clerks.



The local interlocutors meeting was held in July 7, 2016 with participation of all judges of the court as well as local authorities such as the District Prosecutor, Durres Appellate Chief Judge, members of the Chamber of Advocates and other local interlocutors.

The Kukës District Court has been a strong proponent of JWD and has actively participated in and adhered to the schedule for initial activities. The court clerk appointed there with the financial support of the Project and OSCE is doing an excellent job and reporting regularly to the Chief Judge and both donors.

The Project and OSCE organized one day training sessions for the Durres and Kukës Court Clerks in August and September 2016. During this training a copy of the progress database, court action plans, public information leaflets as well as periodic report template were provided to and training for the use and completion of each was given to the clerks.



OSCE and Justice for All Staff Train JWD Court Clerks

The Project developed a database for collecting data related to cases appealed, completed, and returned to the court that also tracks the reasons for and outcomes of appeals. The Project provided the database to JWD Court Clerks and trained them on its use. The data collected will provide valuable resource information regarding the ping-pong effect between the jurisdictional levels of the courts. This data will be collected in all the courts that implement JWD and upon collection of a reasonable volume of data will be analyzed thoroughly.

The Project and OSCE completed the assistance needed for the Courts of Durres and Kukës to prepare Public Information Leaflets which contain the JWD active measures specific to and implemented by each court and are now available in the courts.

Të gjithë së bashku, t'u themi ndal vonesave të panevojshme në proceset gjyqësore!

Në fushën e së drejtës, drejtësia e vonuar është një drejtësi e mohuar. Fatkeqësisht, vonesat dhe tejzgjatjet e proceseve gjyqësore ndodhin jo rrallë në gjykatat shqiptare. Me vendosmërinë për ta ndryshuar këtë situatë, Gjykata e Rrethit Gjyqësor Durrës po ndërmerr një sërë hapash konkrete për të shmangur vonesat e panevojshme në gjykim.

Duke filluar nga muaji shtator 2016, Gjykata e Rrethit Gjyqësor Durrës kërkon të informojë, këdo që i drejtohet asaj, si më poshtë vijon:

- Çdokush i njoftuar nëpërmjet fletëthirrjes është i detyruar t'i përgjigjet gjykatës dhe të paraqitet pranë saj. Në rast mosrespektimi të kësaj kërkesë, gjykata ka të drejtë të vendosë globë ose zhvillimin e gjykimit në mungesë, sipas të drejtave që i jep ligji.
- Prokurorët dhe avokatët duhet të jenë gjithmonë të pranishëm në seancë.
- Gjykata nuk do të pranojë kërkesa për shtyrje seance të pashoqëruara me prova të plota dhe bindëse që vërtetojnë shkakun e arsyeshëm të kërkesës për shtyrje.
- Pas kryerjes së veprimeve përgatitore, gjykata do të kalojë gëshjen në seancë gjyqësore brenda të njëjtës ditë aty ku është e mundur.
- Fletëthirrja si mjet njoftimi do të përmbajë pasojat e mosparaqitjes dhe detyrimin për pajisjen me dokument identifikimi.
- Përdorimi i mjeteve të tjera të njoftimeve paralele, njoftimit me e-mail dhe telefon. Aty ku është e mundur, kryerja e njoftimeve me postë të shpejtë.
- Gjykata do të disponojë një bazë të dhënash me adresat e sakta të avokatëve. Avokatët do të pajisen me formularin e të dhënave të kontaktit, i cili më pas do t'i bashkëlidhet padisë.
- Gjykata planifikon seancat me përgjegjshmëri dhe në bashkëpunim me palët. Seanca do të anulohet nëse ka dijeni për moszhvillimin e saj si dhe do të riplanifikohet seanca e ardhshme.
- Palët duhet të dorëzojnë kërkesat për përjashtim të gjyqtarit me aktet mbështetëse brenda afatit ligjor 3 ditor. Gjykata përcakton sa më afër seancat e përjashtimit dhe merr sa më shpejt vendimin mbi kërkesën.

- Palët duhet t'i paraqesin sa më parë të gjitha provat që kanë në dispozicion. Gjykata do të refuzojë marrjen e tyre pas seances së parë të gjykimit.
- Provat do të vendosen paraprakisht palëve në dispozicion nga gjykata.
- Provat e kërkuara pranë institucioneve qëndrore dhe vendore duhet të sillen brenda afateve të caktuara nga gjykata, me qëllim që t'u vihen në dispozicion palëve. Në rast mosrespektimi të kësaj kërkesë, gjykata ka të drejtë të vendosë globë për këto institucione.
- Kërkesa për gjykim të shkurtuar duhet të dorëzohet brenda afatit ligjor 3 ditor dhe do të njoftohet Prokurorisë. Prokurori dhe avokati do të paraqesin konkluzionet përfundimtare në të njëjtën seancë dhe gjykata do të kalojë gëshjen në seancë gjyqësore brenda së njëjtës ditë ose në një seancë të dytë brenda së njëjtës ditë kur është e mundur.
- Gjykata do të përditësojë listën e ekspertëve, duke përjashtuar ata që janë bërë pengesë për punën e gjykatës. Ekspertët dhe palët do të shkëmbejnë kontaktet midis tyre dhe dorëzojnë i aktit të ekspertimit do të kryhet të paktën 5 ditë para zhvillimit të seances.
- Mosparaqitja e akteve të ekspertimit në kohë do të konsiderohet shkelje dhe përbën shkak për gjobitjen e ekspertit, mospagimin e tij ose përjashtimin e tij nga gëshja.
- Në rastet e çështjeve familjare, gjykata do të mundësojë standartizimin e akteve të nevojshme dhe do të bashkëpunojë me OJF për asistencën ligjore dhe psikologjike falas.

Gjykata e Rrethit Gjyqësor Durrës u bën thirrje qytetarëve, institucioneve qëndrore e lokale dhe ekspertëve e profesionistëve ligjorë që të bëhen pjesë e kësaj nisme, duke mos lejuar zvarritjen e proceseve gjyqësore dhe duke kontribuar në përfundimin e tyre brenda një afati të arsyeshëm!

Pjesëmarrja dhe angazhimi aktiv i të gjithëve është thelbësor për dhënien e drejtësisë në kohë

Gjykata e Rrethit Gjyqësor Durrës mbështetet në këtë projekt nga këta partnerë dhe institucione:



Sample JWD Public Information Leaflet

The project and the OSCE also worked to expand JWD to two new courts: Lezha District Court and Shkodra District Court.

Lezhë District Court Activities: Initial planning for startup activities went very well for Lezhë District Court. The Chief Judge, Judges, and Court Staff all actively participated in planning and completion of the required steps, and the court readily agreed to the implementation and methodology shortly after the introductory meetings. The retreat with the Judges of this court together with the Chancellor, the Chief Secretary and IT specialist took place in Pogradec on July 28 - 29, 2016. On September 15, 2016 the Interlocutors meeting took place in Lezha with participation of the District Prosecutor, the head of Regional Chamber of Advocates and the Deputy Mayor of Lezha as well as representatives of other local authorities.



Local Interlocutors meeting



Retreat with Judges and Court staff

The Project was made aware that the Chief Judge would be stepping down and an acting Chief Judge would be appointed within the month of September. The Project was pleased to find that Judge Ornela Naqellari was appointed as acting Chief Judge. Judge Naqellari was the most active participant in the retreat, shows a clear understanding of active case management, and supports the JWD concepts actively and positively. Following her appointment the Chief Judge raised concerns regarding the candidate selected for the Court Clerk position and following joint meetings between the Project, OSCE, and the Chief Judge the candidate decided not to proceed and withdrew from the initiative. A new court clerk has been hired and will begin work in the next quarter.

Shkodër District Court Activities: The retreat with the judges of this court together with the Chief Secretary took place in Durres on September 26 - 27, 2016. Judges of the court engaged in active and lively discussions regarding the outcomes of the baseline study, specifically the indicators regarding the average length of proceeding, number of hearings and productivity rate. The reasons of postponement and prioritizing measures to address them received significant attention. The court was able to agree to and prepare a draft action plan with active measures that will be shared with the interlocutors in a meeting planned to take place in Shkodra on October 3, 2016.



Justice for All and OSCE staff along with the Chief Judge of Shkodra District Court lead the Judges Retreat.

The baseline study for Shkodra District Court was prepared based on an improved, yet still manual, data collection template prepared by OSCE. On the basis of the new template, the project worked with the Reporting Specialist to better define and validate and eventually analyze data collected. The new template will be further tested in Dibër District Court, as the next court to join JWD initiative.

During this quarter, the project prepared the first draft of the JWD roll out package. The package contains court specific information as well as reference materials from international experience and JWD materials used previously in Albanian courts. The package in its improved and ready to access format has been shared with the judges of Shkoder District Court and will be replicated to the other courts that will implement JWD.

Judges from Korça, Kruja and Tropoja have played a significant role in the implementation in subsequent courts acting as mentors, providing concrete examples of success and challenges, sharing information related to the dealing with interlocutors and communicating initiative goals to the public and visitors to the court.

EXPECTED RESULT 1.2: Court sessions take place in courtrooms where the hearings are verbatim recorded and are open to the public.

Encourage More Open Hearings and the Use of Digital Audio Recording (DAR)

The Project completed the development of a call for proposals for a CSO or group of CSOs to conduct monitoring and evaluation of the courts' use of existing courtrooms and the application of the DAR system within those courtrooms. As a part of this process, the Project conducted initial assessments and interviews with various Chief Judges to determine how to best define the RFA and maximize the activities and their results and outputs. In coordination with the EWMI home office and USAID the RFA was published and five responses were received. The selection process was begun in late September and will be completed in the early days of the next quarter, with activities to begin no later than November 1, 2016.

A second activity completed this quarter and which follows up on the success of the JuST DAR activities was the design, development and implementation of an assessment of the

DAR Central Records Archive (CRA) System activities and status. The assessment was conducted jointly by the former JuST IT Manager and international IT Expert Tim Bates who worked closely with the JuST program to develop and implement the DAR system. The assessment report has been submitted by the experts and it is in process of being reviewed for distribution to relevant counterparts and will result in tangible recommendations for improvements to the CRA system to ensure the appropriate back-ups, security and maintenance updates are actively implemented by the courts, MOJ, and (where applicable) the High Council of Justice (HCJ) and the Office for Administration of the Judicial Budget (OAJB). As a result of the assessment and on request of the OAJB, the Project provided a half day training session for the OAJB Director on the process of budgeting for the maintenance and upkeep of the current systems as well as projecting for new installations when and where needed. The Project also provided the OAJB with a detailed budget planning worksheet which included projected costs for technology maintenance, install and, refresh specific to DAR and DARCRA.

The Project assisted the Gjirokastra Administrative Court, the MOJ, and the OAJB to complete the first install of the DAR in the Gjirokastra Administrative Court. In addition to providing the technical assistance for the physical install, the Project also conducted training for Judges, Court Secretaries and IT staff on the use and upkeep DAR. In total 2 judges,



4 Session Secretaries
1 Chancellor and 1 IT Specialist were trained. The training took place September 6 – 7, 2016. The court planned for a month long testing period of DAR and will “go live” with audio recording on October 3, 2016.

DAR training in Gjirokastra Administrative Court

EXPECTED RESULT 1.3: Public has easy access to the courts.

The Project designed a form to collect information from the Chief Judge, the Chancellor and other relevant court staff of each court regarding the infrastructural elements of Public Information Offices (PIO), level of knowledge and expertise of staff serving in the PIO, training needed or desired, the web-site of the court and its content, the policy of the court (if any) in dealing with complaints, and the public outreach efforts and materials that the court employs. The Project designed the questionnaire using PIO standards established under the JuST program alongside the international best practice standards for self-assessment by courts as outlined in the International Framework for Court Excellence. The questionnaire will be reviewed early next quarter and compared to the PIO requirements of the new Law on Organization of the Courts (expected to be passed in October 2016) and refined as needed and then distributed to the Courts for completion. The Project will plan activities related to access to the courts based on the results of the survey.

EXPECTED RESULT 1.4: Judicial leadership is strengthened and undertakes and active role in the judicial reform process.

The Project held preliminary discussions with representatives of the School of Magistrates regarding the design of future training programs intended to promote improved judicial leadership. These activities will be influenced by the package of laws related to the constitutional amendments, and as such the Project began meeting with other donors and implementers to set the stage for developing a clear plan of action once those laws are passed.

COMPONENT CHALLENGES AND SUCCESSES

The Component Team successfully continued its strong partnership with the OSCE to further improve and implement the JWD initiative and anticipates that partnership to grow even stronger over the coming months and years as implementation is expanded to all first instance courts. Some small, yet not insurmountable challenges arise as a result of the partnership but are limited to logistical and procurement issues that naturally arise when two different organization partner so closely. These challenges are not significant and the relationship between the two programs continues grow.

This component continues to be a highly sought after assistance provider and continues to hold as many partnership and stakeholder meetings as possible to ensure all cooperating agencies are well served and provided with meaningful assistance. As noted in prior reports and in order to be responsive to all requests and to successfully implement all project activities, the Project will add another Court Administrator to the staff. The recruitment and hiring process will be completed early in the next quarter.

The ongoing judicial reform continues to be a moving target and the provider remains committed to stepping in with targeted, strategic and relevant assistance in coordination with other donors and projects.

Steps for Next Quarter

Next Steps for this component include the following priorities:

- ✓ Continue JWD implementations in Durrës, Kukës, Lezhë, Shkodra Courts;
- ✓ Initiate JWD activities in Dibër, Pogradec, Kurbin and Tirana District Courts;
- ✓ Coordinate with OSCE on the development and release of the JWD webpage;
- ✓ Complete the automation of the JWD data collection;
- ✓ Develop a plan of activities with the SOM to review and improve curriculum related to active case management, leadership and court administration;
- ✓ Coordinate project activities with the EU and COE funded CEPEJ program;
- ✓ Respond as needed to developments with the overall Justice Reform initiative.

COMPONENT 2: PUBLIC DEMAND/PRESSURE FOR IMPROVED JUSTICE DELIVERY**EXPECTED RESULT 2.1: A justice sector CSO coalition/network is formed with an established strategy and action plan*****Formation of a Coalition for an Effective and Transparent Judiciary***

On July 8, 2016, a new issue-driven coalition called “Drejtësi për të gjithë/Justice for All” was established. The Coalition brings together 14 organizations, including three existing networks, consisting of CSOs, business associations (BAs), and media organizations that represent the most vulnerable groups of the Albanian society, such as minorities, people with disabilities, women, victims of trafficking or violence, youth, and detainees. Together, they will work to develop concrete recommendations for improved performance of the justice sector. In addition, in the framework of ongoing justice reforms, they will monitor the performance of judicial institutions, including those that are new or to be re-organized as a result of the reforms, in order to ensure that all citizens have access to justice and are provided with needed services. The Project is working closely with Save the Children (STC), funded by the EU, to support the Coalition, including serving jointly as its Technical Secretariat, with each dedicating a Coalition Coordinator to the cause.

Prior to the meeting that established the Coalition, the Project had consulted with various organizations that had already worked on access to justice and legal reform, as well as CSOs that, even if not possessing the required technical legal expertise, could still be good sources of issues need to be addressed, including through justice reform. In total, 18 consultative meetings took place and to identify the priority issues that would bring these organizations into a Coalition. The 14 founding organizations support issues concerning: i) Women rights (domestic violence, human trafficking, women empowerment, etc.); ii) Disabilities; iii) Minorities; iv) Children and Youth; v) Business; and vi) Media and watchdogs. They are:

1. Vatra Psycho-Social Center, in Vlora, representing issues related to the trafficking of human beings;
2. Albanian Women Empowerment Network-AWEN, composed of 7 organizations, representing women rights’ issues;
3. Women for Democracy Network – WDN-AL, representing women rights’ issues;
4. Albanian Disability Rights Foundation-ADRF, representing issues related to people with disabilities;
5. National Coalition of Anti-Trafficking Shelters in Albania-NCATS, a coalition composed of four shelters throughout Albania, representing human beings trafficking issues;
6. Balkan Youth Link Albania-BYLA, representing youth issues;
7. Institute of Romani Culture in Albania-IRCA, representing Roma minority issues;
8. “Eye of the new media” Foundation, representing issues related to the media;
9. Albanian Helsinki Committee-AHC, representing human rights issues;
10. American Chamber of Commerce in Albania-AMCHAM, representing issues concerning the business community;
11. United for Child Care and Protection-BKTF, a formal coalition composed of 20 grassroots organizations, representing children rights’ issues;
12. Centre of Integrated Legal and Services and Practices-CILSP, representing children rights’ issues.

13. Tirana Legal Aid Society-TLAS, representing minors and minority groups;
14. “Res Publica” Center, representing issues of access to justice and legal reform.

In the first meeting of the coalition, a Start-Up Working Group was established to more closely follow the coalition’s initial efforts. It was composed of five organizations: “Res Publica” Center, Albanian Helsinki Committee, Vatra Center, WDN, and IRCA.

The entire group brainstormed on issues that greatly concern their constituencies, reconfirming the issues already identified in individual meetings, and agreed on three priority issues:

1. Delays in various stages of judicial proceedings;
2. Limited access to justice; and
3. Lack of free legal aid.

The above priority issues served as the basis for the Coalition to issue its first public statement titled “Justice loses its value if not timely delivered and not accessible to all”, to introduce itself as an issue-driven watchdog and advocacy coalition, and to address the ongoing concerns related to the overall functioning of the justice system, particularly the issue of limited citizens’ access to the justice institutions and lack of efficiency in the judiciary. The statement was issued on July 15, 2015 and emphasized the coalition members’ concerns that *“the victims of crime and violence based on gender, race, sexual orientation, or persons with disabilities, persons living in extreme poverty, persons deprived of liberty in penitentiary institutions, etc., are not rendered justice and repeatedly suffer the consequences of endless delays and obstacles. Many people suffer today the lack of a transparent justice system. The above-mentioned groups do not receive free legal services, as provided with the law, and have to spend a lot of time, even years, waiting for a solution, especially when they lack the financial means to afford judicial fees and other judicial expenses.”*

In its first statement, the Coalition urged all the justice institutions to constantly exercise their powers in order to monitor and improve their standards, as well as hold every single judge or prosecutor accountable for their actions contrary to the law, believing on the one hand that the independence of judges and prosecutors is a necessity, but on the other hand firmly asserting that they also must be held accountable and responsible. The Coalition guaranteed to support and become the voice of the groups it represents, by addressing their concrete problems, aiming at a final solution, by being directly engaged through monitoring, litigation, and advocacy efforts, towards an efficient justice for all citizens. It invited other CSOs and networks to join its common mission of safeguarding the rights of citizens in their relations with the Albanian justice institutions. The statement was posted on the Coalition’s dedicated Facebook page, and received many likes and shares.

Expected Result 2.2: CSOs become important actors in the justice reform process, bringing citizens' concerns to the attention of the judiciary and policy makers and exerting pressure for change.

Technical Assistance to the Coalition

Establish Coalition's rules of engagement: During the reporting period, the Project supported the Coalition in the process of drafting its "Internal Policy and Ethics Regulation". The process started in the early days after formation, as a number of other CSOs expressed their interest in joining. Thus, while trying to keep a balance between an open-doors approach, which would bring in other organizations that share the same goals, and a standards-oriented approach, which would secure the required high level of standards, the Project started facilitating the process of drafting an internal regulation. Even though the Coalition is an informal entity, the need for some ground rules to regulate membership, along with other aspects related to the overall functioning of the newly-formed entity, was immediate. The project organized a meeting on September 9, 2016 for the Start-Up WG members to discuss



Blerta Balilaj, Executive Director of Women for Democracy Network organization, member of Coalition, serving as co-facilitator at the Retreat

on a first version of the regulation they had previously drafted, which would then be circulated to all the members, to finally have it approved in the strategic planning retreat. In September the Project contracted with ANTTARC, a local organization with a long experience in local capacity development, to facilitate the Coalition's efforts to develop its "Core" documents.

Develop the Coalition's core documents and policies: In order to help the Coalition in its strategic planning process, the project organized a two-day Strategic Development Retreat (the Retreat) in Vlora, on September 19-20, 2016. Approximately 20 civil society groups attended, including justice policy-oriented groups, such as Res Publica and the Helsinki Committee in Albania; children's rights groups, such as Save the Children and Together Against Trafficking of Children; media groups, such as Eye of the New Media; business groups, such as, AmCham; and women's groups, such as AWEN (Albanian Women Empowerment Network); and those interested in minority rights, such as the Institute of Romani Culture in Albania.

All the member organizations participated with one or two representatives each. Besides ANTTARC, the Project also brought Mr. Herbert Bowman to the retreat to share his experiences in assisting in the development of a similar coalition in Georgia. Mr. Bowman delivered a presentation that explained the political and legal reform environment that the Georgian coalition was operating in at the time of its formation. He also explained how the EWMI project in Georgia helped build the coalition and how the coalition pursued its advocacy strategies. He explained some of the challenges the coalition faced, and how they overcame some of those challenges to achieve concrete results. It was obvious from the questions and

comments following the presentation that the participants found many similarities between Georgia and Albania, in terms of justice system structure, political environment, and reform challenges faced. Mr. Bowman was followed by a representative of “Res Publica” Center who gave an overview of the recent and considered changes to the Constitution and legal framework, and discussed how they will impact key justice institutions. Most of the remaining retreat was spent working to develop the Coalition’s mission statement, vision, and objectives. For most of this time, the larger group was broken down into small groups to make discussion easier. When it was the time to discuss main objectives, the groups were separated following a thematic approach, according to the retreat organizers’ understanding of what working groups the Coalition would ultimately create.



Members of the Coalition engaged during the SWOT Analysis session of the Retreat.

The last session of the Retreat transformed into a General Assembly meeting, to agree on the Internal Policy and Ethics Regulation, and elect the members to the Steering Committee, which the Coalition members preferred naming their Policy Commission. The five members that had already contributed as part of the Start-Up WG were reconfirmed, and two additional ones were elected, Tirana Legal Aid Society-TLAS and Albanian Disability Rights Foundation-ADRF.

Overall, the retreat represented a very positive start to establishing an effective civil society coalition. During the retreat, the Coalition members appeared energetic and motivated and seemed to get along well with one another. It was clear however, that the groups represented a very diverse set of interests and priorities.



*All the Members of "Drejtësi për të Gjithë" Coalition
Retreat event in Vlore, 19-20 October 2016*

The Coalition's Three-Year Strategy and 1st Annual Work Plan will be finalized by the end of October 2016, and the project will organize a follow-up Strategic Planning Workshop on October 12, 2016, and others as needed.

Strengthen the Coalition and its members: During the reporting period, a dedicated Component 2 team, in coordination with the similar staff of CECAJA Project, served as *the Technical Secretariat* for the Coalition. This included organizing Coalition meetings, preparing and distributing minutes, facilitating information-sharing among the Coalition members; organizing the Coalition's introductory meetings with various institutions, which are related to the justice system, opening and maintaining the Coalition's Facebook Page which can be found at www.facebook.com/dreitesipertegjithe . In this regard, the Technical Secretariat has facilitated and coordinated the entire process (drafting and submitting requests for meetings, coordinating with the Start-Up Working Group about matters to be discussed in meetings, coordinating with the institutions' secretariats to set up meetings, producing posts for the Coalition's Facebook, page preparing and distributing minutes of meetings, etc.) related to three important meetings that the Coalition's Start-Up Working Group had with high level institutions of the justice system. The meetings were aimed, first, to introduce the newly-established Coalition to the judicial institutions, and secondly, to establish with them the necessary collaboration partnerships. In a chronological order, the meetings are shortly described, as follows:



Members of Start-Up group and representatives from USAID and EU in the meeting with Mr. Xhafaj.

Meeting with Chairman of the Ad Hoc Parliamentary Committee "On the Justice Reform", Mr. Fatmir Xhafaj, held on August 4, 2016 - Three member organizations represented the Coalition. Representatives from USAID and EU were present at this meeting, as well as representatives from the projects that are jointly supporting the Coalition. Mr. Xhafaj welcomed the establishment of this new coalition in an important historical

moment for the country, as it is the justice reform implementation, and invited each of the organizations or networks that are part of the Coalition to provide one's contribution, according to their specific field of expertise. *"This would help in achieving, first, a higher quality in the law-drafting process, and afterwards, avoid "problems" in the implementation stage of these draft laws highlighted Mr. Xhafa during this meeting."* He invited them to contribute with monitoring initiatives during the reform implementation stage, and encouraged them to participate in the competition process to become members of the vetting body/commission. He also stressed the importance of efforts aiming at raising the public's awareness, so that they react in cases of corruption in the justice institutions, and encouraged the Coalition to undertake such initiatives.

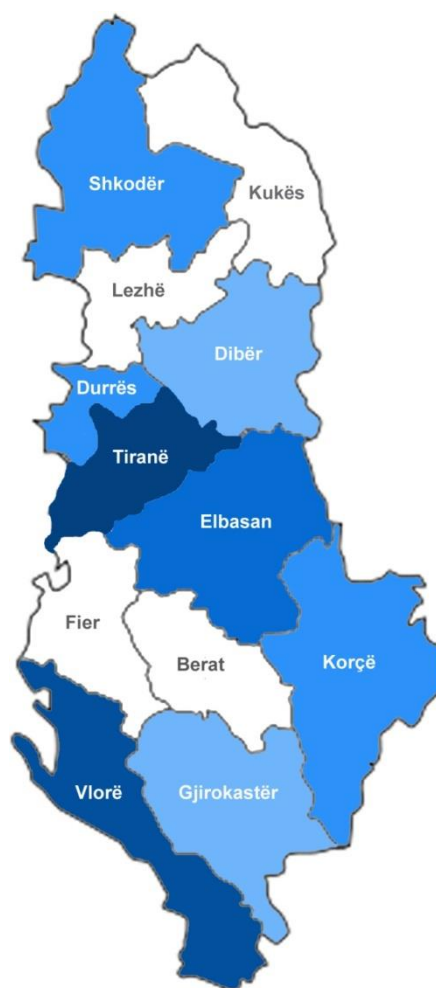
Meeting with the People's Advocate, Mr. Igli Totozani, held on September 23, 2016 - Five member organizations represented the Coalition, and representatives of the two supporting projects again accompanied them. "The institution I represent will support the Coalition in any initiative or project – said Mr. Tototzani. The People's Advocate is, with no hesitation, open to

collaborating and being your partner in all your efforts focused on the justice reform.” They agreed to sign a Memorandum of Understanding to formalize the expressed willingness for cooperation, and Mr. Totozani said he would appoint two members of his staff to coordinate every future joint efforts.

Meeting with representatives of the Ministry of Justice, held on September 26, 2016 - Five member organizations represented the Coalition also at this meeting, and representatives of the two supporting projects attended, as well. The Head of Cabinet and several Advisors to the Minister of Justice discussed with the Coalition members about opportunities for collaboration in the frame of the justice reform implementation, and beyond.

Enlarge the Coalition: In Year 1, the Project’s primary focus was strengthening the Coalition by enabling the founding members and few new members to become a Coalition through joint actions. The new Coalition’s visibility was established through publication of its activities on its Facebook page as well as on USAID’s, resulting in a growing interest of other organizations across the country to join the Coalition. The Project facilitated the process for inviting these new organizations to join the Coalition, ensuring that this process focuses on meaningful participation in the Coalition, not just in increasing the number of Coalition’s members per se. Accordingly, the requests for membership were reviewed and evaluated by the Policy Commission, and as per the internal regulation, four out of 17 requests for membership were approved. The Coalition is currently composed of 18 organizations, but, as three of these are networks/coalitions, the number reaches to 45 individual organizations in total. Therefore, there is a good territorial coverage and diversity of groups within the Coalition.

The project has ensured that a gender and social inclusion lens has been applied in all the activities and products of the Coalition, including its core documents, internal structures, decisions on priority issues, etc.



Geographic coverage of the coalition members throughout the country. The darker intensity of blue indicates a larger number of members operating in that area.

Expected Result 2.4: Citizens’ demand for improved justice delivery is increased.

Citizens for Transparency Grants

During the reporting period, the Project worked towards launching the Citizens for Transparency (CfT) Grants Program. The RFA document was drafted, but delays in its review

and approval made its release impossible for this quarter, but it will be released in October. The CFT Grants Program will support primarily grassroots CSOs, media, and BAs to address governmental and justice sector corruption; advocate court transparency, fairness and efficiency; and mobilize the community to tackle corruption. While this RFA puts a priority on applications that propose focused and well-designed service enhancing and watchdog activities on the justice and/or judicial system, well-informed and detailed proposals to expose corruption or the lack of good governance in other government sectors will also be considered.

Expected Result 2.5: Civil society capacity to provide government oversight is increased.

Implement capacity development plan for CSOs interested to expose corruption in the justice sector, and beyond

In September 2016, the Project released a Call for Expression of Interest (CfEI) for CSOs with some experience in watchdog activities, focusing on good governance and anti-corruption, including in the justice system. The purpose of this Call for Expressions of Interest was to identify Albanian CSOs interested in strengthening their capacity to advocate for and monitor the implementation of judicial reforms, increased access to justice, stronger judicial and justice institutions, and more transparent governance generally. In total, 12 organizations throughout Albania have applied. CSOs that will be selected to participate in this initiative will receive capacity-building training programs, which will be implemented during Year 2.

COMPONENT CHALLENGES AND SUCCESSES:

A potential challenge identified by Component II team in relation to the Coalition is that of managing wisely and finding the right balance between an open-doors approach, which would bring in other organizations that share the same goals, and a standards-oriented approach, which would secure the required high level of standards. The Technical Secretariat will have to keep new organizations continuously informed on the mission, main objectives and working standards of the Coalition, so that they understand which are the latter's expectations and start building internally the required capacities before even applying for membership.

Next Steps for Next Quarter:

During the next quarter, the most important activities to be carried out are as follows:

- ✓ Publicly launch the Coalition - the Project will assist the Coalition's members to prepare the event that will also mark the public launch of the Coalition;
- ✓ Hold bi-weekly meetings to coordinate support of both "Justice for All" and CEFJSAJA Projects support to the Coalition, as well as in the grant-making process;
- ✓ Issue the 1st RfA for Citizens for Transparency Grants;
- ✓ Issue 1st and 2nd RFA targeted to the Coalition members only;
- ✓ Organize Informative Sessions with the CSOs regarding the RfAs, as well participate in the information sessions organized by the CEFJSAJA Project.

COMPONENT 3: INVESTIGATIVE JOURNALISM

The focus of work for Component III during this quarter was engaging process to support AJJ in becoming a stronger investigative journalism organization capable of investigating highly complex national and transnational crimes.

AJJ Capacity Assessment and Work Plan

During this period (July – September 2016) several meetings were held with the chair of AJJ, with members of the board as well as with individual members. During a 15 July meeting it was agreed with representatives of AJJ that the AJJ capacity assessment retreat planned for August would be postponed, as AJJ members could not all agree on, nor be available at the same time. The retreat was postponed to end of September at which time the new Media Advisor would probably be hired and the capacity self-assessment could best move forward.

Also during this meeting, there were discussions about recruitment procedures for AJJ staff, particularly the key positions of Executive Director, Editor-in-Chief and two regional coordinators.

Subsequently, Component III staff prepared draft ToRs that then were presented to the AJJ for future discussions and collaboration on the final versions. An email was received September 19 from the AJJ Chair presenting their singular feedback which was the request to shift the host location of the northern coordinator from a northern city to Tirana. All other aspects of the ToRs were agreed by the AJJ.

During August the Project staff identified several possibilities for a suitable office for AJJ and with agreement from AJJ a furnished office was selected, rented and made available to the AJJ at 1 September.

In the meantime, a Project Consultant was hired via partner IREX (Ms. Susan Angle) and she arrived in country on September 22. A focus of her work was to support the AJJ in a detailed capacity assessment, including the development of an Organizational Capacity Self-Assessment Tool (OCSAT) for AJJ completion, based on IREX's template questionnaire.

This process was to assist AJJ membership to analyze internal strengths, weaknesses, opportunities, and threats to the Association. The OCSAT would help reveal differing perceptions regarding AJJ functioning, its organizational structures, management, and sustainability. It would also identify future expectations for the organization, content development targets, skills in place or in need, and capacity development needs.

All members were notified in advance about the retreat rescheduled for September 30 and October 1. Only five members were able to attend the retreat to be facilitated by Ms. Angle. Others, notably board members, did not respond or had specific reason for not attending the retreat. Since AJJ was unable to assemble the majority of members, the consultant, working with program media coordinator, invited AJJ journalists to individual meetings to begin to gather information on the AJJ capacity and explain the OCSAT process.

In parallel, Ms. Angle developed a 73 question online survey “Organizational Development Self-Assessment” that all the members were asked to complete. At close of quarter, this activity was ongoing.

Grants to the AJJ

Based on an assessment conducted by Justice for All with leadership of AJJ and on review of previous financial reports and balance sheets, it was determined that AJJ did not have sufficient capacity to manage financial processes for receiving and managing a cash grant.

For that reason, the Project decided, at least for the near term:

- ✓ Cost associated with basic AJJ administration would be covered via in-kind grants;
- ✓ Upon hiring of a part-time financial officer for AJJ, salaries would be paid as standard grants to AJJ;
- ✓ Once a part-time financial officer was identified for AJJ, the Project would provide training, monitoring, evaluation and assistance to the financial officer to develop manuals, policies and procedures - none of which were required or developed under JuST; and
- ✓ Stories would be paid as fixed amount award with a required timeline and milestones to be met in order to obtain incremental payment

An ongoing focus of the Project is to provide support to investigative journalists within AJJ to increase their knowledge, skills and abilities, both individually and collectively, to move towards becoming the trusted arbiter that the citizens rely on. In association to this effort, a RFA for the Fixed Amount Awards for Investigative Report was completed and translated into Albanian and sent to all the AJJ members on September 2. These grants would support AJJ journalists to investigate, develop, draft, publish and follow up on investigative reports or stories that fall within the overall goals and objectives of the Project

These grants would be awarded in different amount under this RFA based on the expected output as follows: \$250 for small stories, \$600 for medium stories, and \$1000 for large stories. The required milestones would be defined in a FAA Agreement and based on the information contained in the application and agreement between the applicant, the Project and the AJJ Editorial Board.

Training and Mentoring

The need for ongoing AJJ training was supposed to be discussed during retreat that was canceled in September. This process was expected to instead be considered during the next quarter.

Advising on Content

Regarding mentoring and release of stories produced by members of AJJ, the AJJ chair had indicated the AJJ members were in the process of competing 7 stories that would be presented for this purpose. Nearing the close of quarter, no stories had been presented despite repeated requests from Justice for All staff. AJJ then informed Program staff that the 7 stories were on hold as additional funding was needed from the fixed amount awards to continue and complete them. During the quarter, no proposals were received associated to these 7 stories.

One incomplete proposal was received from an AJJ member associated to an additional story.

COMPONENT CHALLENGES AND SUCCESSES

The AJJ itself continues to be one big challenge. They still are not certain how many boards they have and which specific individuals occupy seats on them. The AJJ management, moreover, seems to view Project efforts to support them in moving forward as interference.

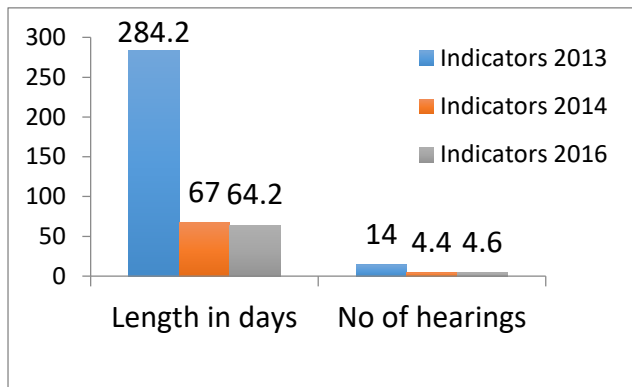
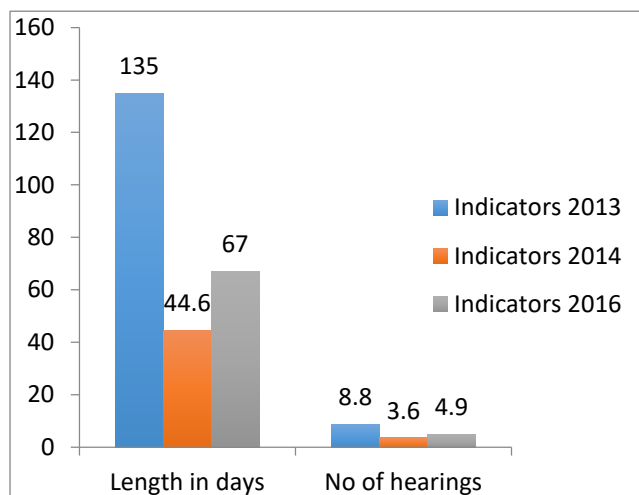
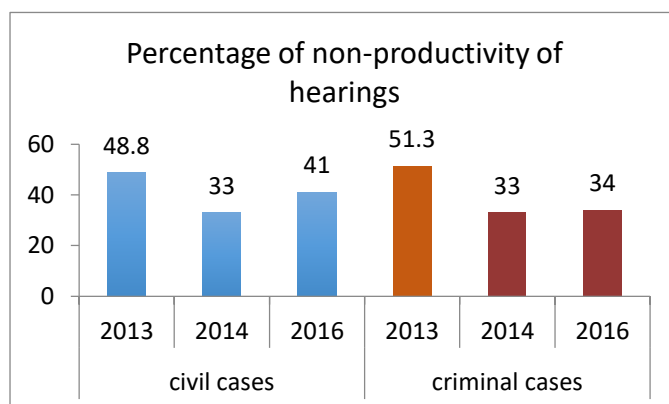
While it appears that some AJJ members have potential, they appear to need varying degrees of support to become good investigative journalists. For that, they will need a lot of individualized, ongoing assistance, as well as motivation to develop a collegial and constructive relationship.

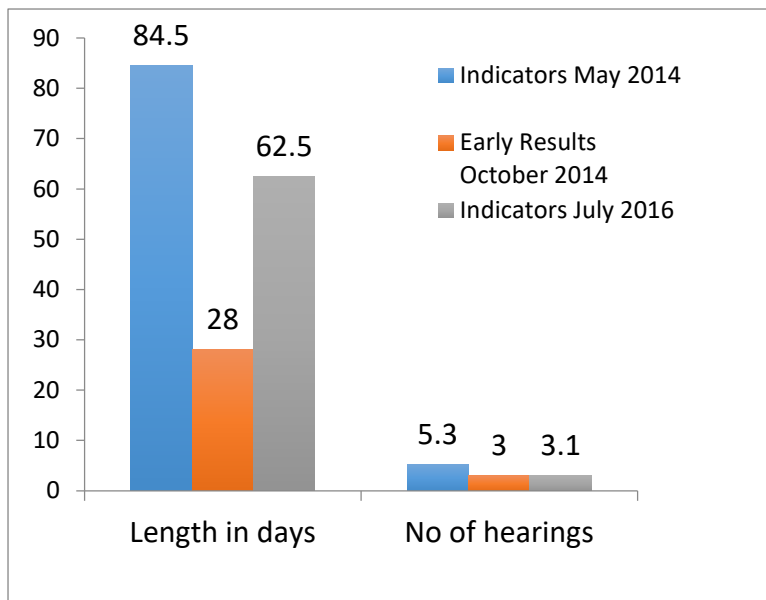
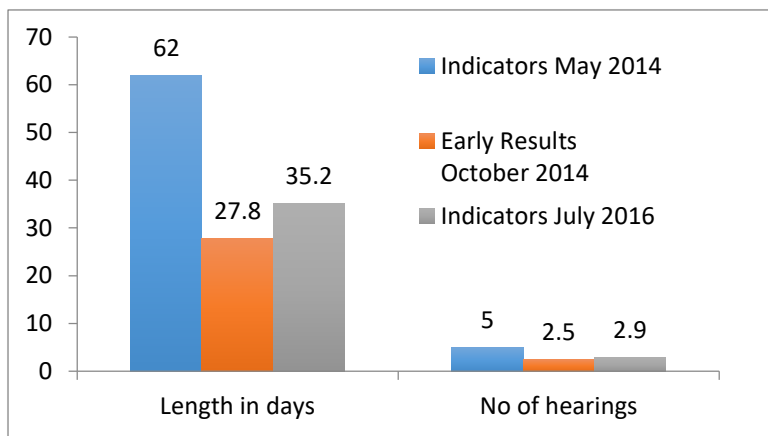
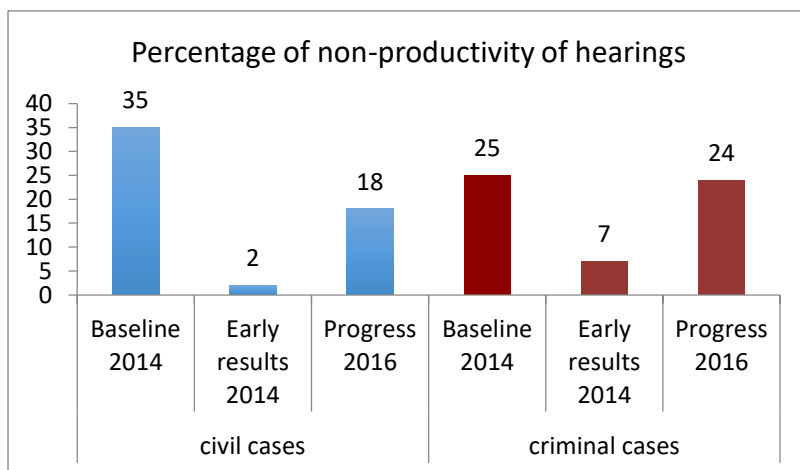
For AJJ to succeed, the key factor will be the quality of their investigative reports. While AJJ organizational development is important, it is not the only key issue. Therefore, the new Media Advisor Mr. Mathew Brunwasser will work hand-in-hand with AJJ. Collegially they will to consider topics to investigate, possible sources as well as review and revised drafts, etc.

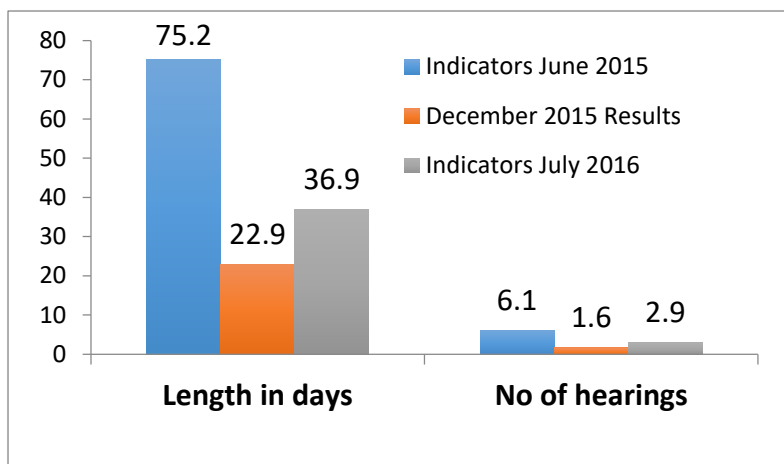
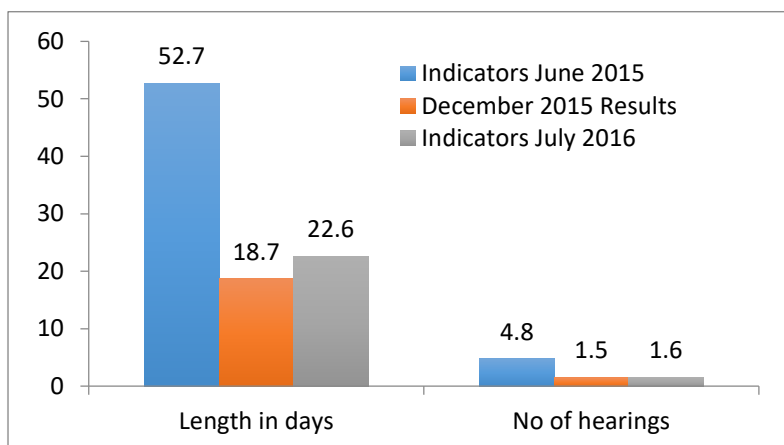
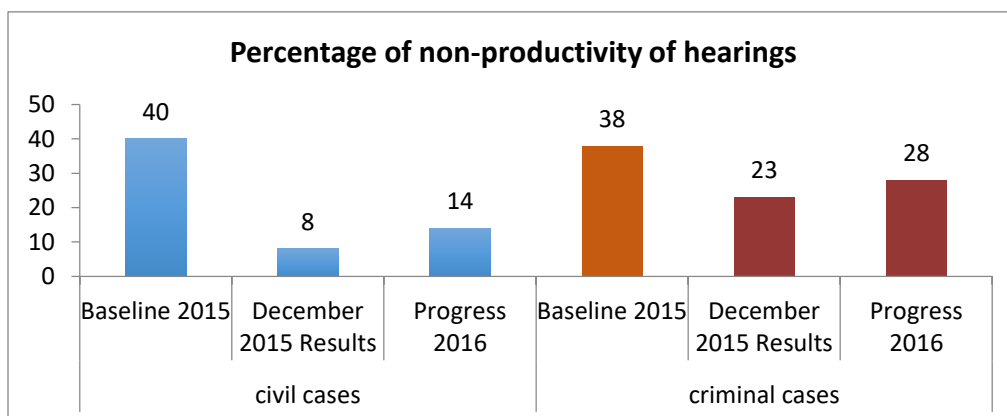
Steps for Next Quarter

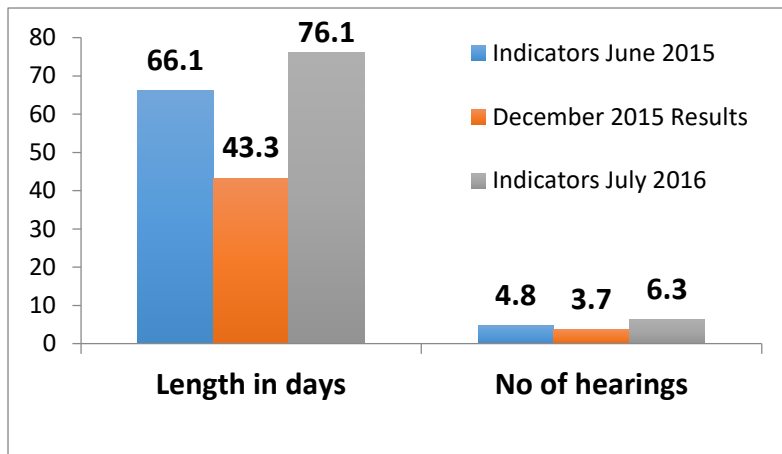
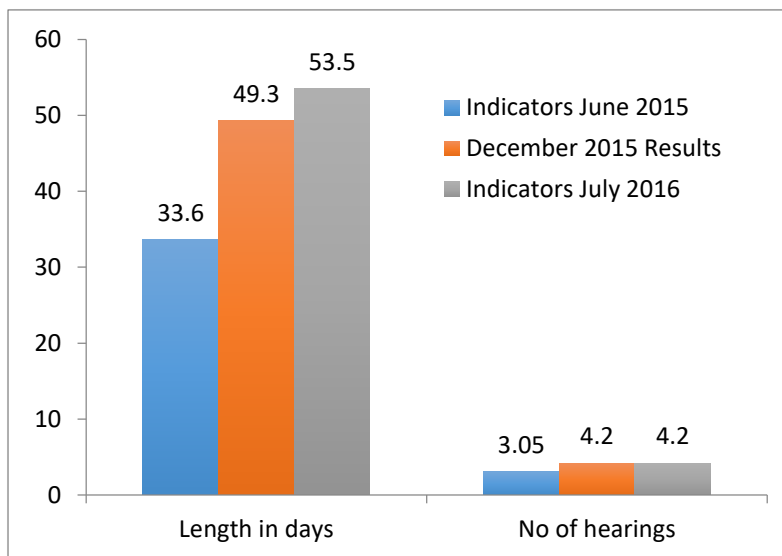
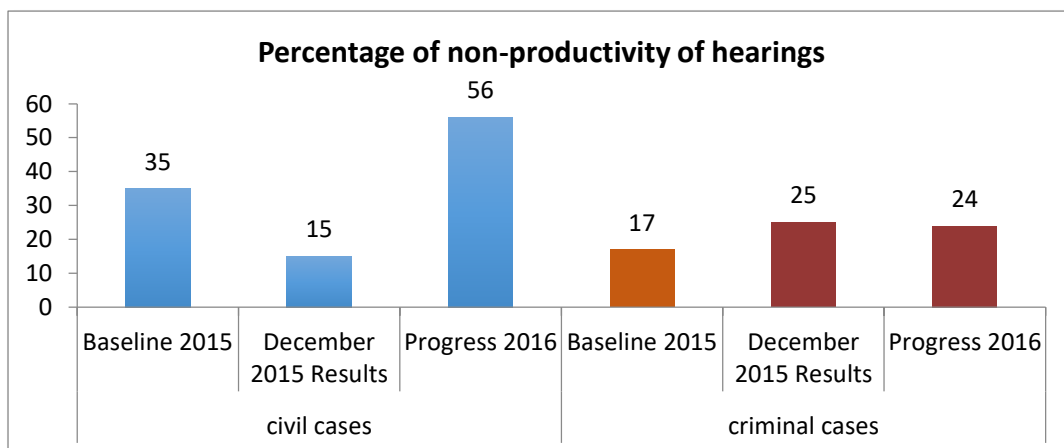
- ✓ The IREX consultant will collect the relevant answers from online survey “Organizational Development Self-Assessment”. Results would then be discussed with AJJ’s Board.
- ✓ The Project will document the OCSAT’s results in a written report that will include recommendations for building upon existing AJJ strengths and addressing gaps. This report will serve as a baseline for future assessments of the AJJ’s change management process.
- ✓ The OCSAT will also serve as the basis for preparing a practical *Two-Year Work Plan* that will identify potential reporting needs and targets, expected costs, and needed resources for reporting and operations, potential funding sources, and will include a Sustainability Plan.
- ✓ The Project will assist the AJJ to develop *Monthly Operational Plans* with detailed activities and targets to plan, track, and monitor the implementation of its Work Plan on a monthly basis.
- ✓ Efforts will continue to establish a productive and collaborative relationship with all members of AJJ focused on real outputs.
- ✓ Mentoring on content that meets investigative reporting criteria on professional stories will begin.
- ✓ Assist will be provided to AJJ in increasing audience through effective use of social media and other public outreach strategies.
- ✓ Assess of content quality will be undertaken using IREX’s Media Content Analysis Tool (MCAT) – as a means to support and measure improved quality of content.
- ✓ Relations will continue to be built with AJJ and other Albanian journalists to support them in developing and writing investigative stories.
- ✓ An Open Call for Proposal will be issued to all Albanian journalists to support their story development and information sessions will be organized with journalists regarding the OCP.

- ✓ The Project will begin with implementation of fact checking services this year in order to take advantage of upcoming national elections, tentatively scheduled for June 2017.
- ✓ Work will be undertaken on the expansion the Open Data Initiative with AIS.

ANNEX A: SUMMARY FINDINGS – JWD PILOT COURTS STATUS REPORTS**Status of Kruja District Court:****Table 1 – Civil Cases Kruja District Court****Table 2 – Criminal Cases Kruja District Court****Table 3 – Productivity of hearings Kruja District Court**

Status of Korça District Court**Table 1 – Civil Cases Korça District Court****Table 2 – Criminal Cases Korça District Court****Table 3 – Productivity of hearings Korça District Court**

Status of Tropoja District Court**Table 1 – Civil Cases Tropoja District Court****Table 2 – Criminal Cases Tropoja District Court****Table 3 – Productivity of hearings Tropoja District Court**

Status of Puka District Court**Table 1 – Civil Cases Puka District Court****Table 2 – Criminal Cases Puka District Court****Table 3 – Productivity of hearings Puka District Court**